

REMARKS

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 7, 9-26 were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Cleve et al (Mol. Cell. Probes (1998) 12:243-147) in view of Dimitrov et al (U.S. PgPub 2003/0013091) and further in view of **Su et al (US 7,019,828)**. Claims 1-3, 5, 7, 9-26 were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Singer et al (U.S. Patent 6,534,266) in view of Urdea et al (U.S. Patent 5,635,352) in view of Horn et al (U.S. 2001/0009760) and further in view of **Su et al. (US 7,019,828)**. Applicants respectfully traverse these rejections.

Su is not prior art under 35 USC 103(c)(1) as Su applies a prior art under 35 USC 102(e) and it is commonly owned by the assignee of the pending application. 35 USC 103(c)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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